

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

S & J DIVING, INC.,

Plaintiff,

VS.

DIAMOND SERVICES CORPORATION,

Defendant.

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CIVIL ACTION NO. H-05-3852

MEMORANDUM AND ORDER

Pending before the Court is Plaintiff's motion for default judgment. Defendant failed to appear or to file an Answer within twenty (20) days of service of the Complaint, as required by FED. R. CIV. P. 12(a)(1)(A). Plaintiff has provided proof of proper service pursuant to FED. R. CIV. P. 4(h)(1) and 4(e)(1) and TEX. R. CIV. P. 106(1)(2). Accordingly, as authorized by FED. R. CIV. P. 55(a), the Court hereby **GRANTS** a default judgment against Defendant and **AWARDS** Plaintiff damages in the amount of \$94,205.00, attorney's fees in the amount of \$5,000.00, and costs of court.

IT IS SO ORDERED.

SIGNED at Houston, Texas, on this the 21st day of March, 2006.



KEITH P. ELLISON
UNITED STATES DISTRICT JUDGE

**TO INSURE PROPER NOTICE, EACH PARTY WHO RECEIVES
THIS ORDER SHALL FORWARD A COPY OF IT TO EVERY
OTHER PARTY AND AFFECTED NON-PARTY EVEN THOUGH
THEY MAY HAVE BEEN SENT ONE BY THE COURT.**